

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHARLES T. SMITH,

Plaintiff,

-against-

ORDER
21-CV-03967 (JS) (AKT)

OFFICER SCOTT,

Defendant.

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APPEARANCES

For Plaintiff: Charles T. Smith, pro se
203758
Suffolk County Correctional Facility
110 Center Drive
Riverhead, New York 11901

For Defendant: No appearance.

SEYBERT, District Judge:

On July 13, 2021, incarcerated pro se plaintiff Charles T. Smith ("Plaintiff") filed a Complaint in this Court pursuant to 42 U.S.C. § 1983 against Suffolk County Police Officer Scott ("Defendant") alleging an excessive force claim arising from his February 27, 2021 arrest. (See Compl., ECF No. 1.) However, Plaintiff did not remit the filing fee or file an application to proceed in forma pauperis at that time. Accordingly, by Notice of Deficiency, also dated July 13, 2021, the Court instructed Plaintiff to remit the filing fee or complete and return the enclosed application to proceed in forma pauperis and Prisoner Litigation Authorization form ("PLRA") within fourteen (14) days in order for his case to proceed. (Not. Def., ECF No. 2.) On

July 22, 2021, Plaintiff timely filed an application to proceed in forma pauperis and PLRA. (ECF No. 4.)

Upon review of the declaration in support of the application to proceed in forma pauperis, the Court finds that Plaintiff is qualified to commence this action without prepayment of the filing fee. See 28 U.S.C. § 1915(a)(1). Therefore, Plaintiff's request to proceed in forma pauperis is GRANTED and the Court ORDERS service of the Summons and Complaint upon Defendant by the United States Marshal Service forthwith.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of the Court shall mail a copy of this Order to the Plaintiff at his address of record.

SO ORDERED.

/s/ Joanna Seybert
JOANNA SEYBERT, U.S.D.J.

Dated: August 6, 2021
Central Islip, New York